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DATE FILED: 10/16/2023

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA *ex rel.* CABOT SQUARE
LLC,

Plaintiff,

v.

FULCRUM CAPITAL HOLDINGS LLC, MATTHEW
HAMILTON, TIMOTHY HORRIGAN, FONDACO
SGR S.P.A., COMPAGNIA DI SAN PAOLO, and
CARAC,

Defendants.

18 Civ. 9160 (VEC)

~~PROPOSED~~ ORDER

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

FULCRUM CAPITAL HOLDINGS LLC,

Defendant.

WHEREAS, on or about October 5, 2018, relator Cabot Square LLC and its two members (“Relators”) filed a complaint (the “Relator Complaint”) under the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.* (“FCA”), against Fulcrum Capital Holdings LLC (“Fulcrum”), Matthew Hamilton, Timothy Horrigan, Fondaco SGR S.p.A., Compagnia di San Paolo, and Carac;

WHEREAS, on or about September 13, 2023, the United States of America filed a Notice of Election to Partially Intervene in this action (the “Notice of Partial Intervention”) pursuant to the FCA, 31 U.S.C. §§ 3730(b)(2) and (4);

WHEREAS, on or about September 22, 2023, the United States filed a Complaint-in-Intervention (the “Government Complaint”) against Defendant Fulcrum;

WHEREAS, on or about September 29, 2023, the United States, Fulcrum, and Relators entered into a Stipulation and Order of Settlement and Dismissal (the “Settlement”), which the Court entered on or about October 3, 2023; and

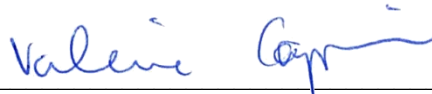
WHEREAS, on or about September 29, 2023, the United States and Relators entered into a Stipulation and Order of Settlement and Release (the “Relator Stipulation”), which the Court entered on or about October 3, 2023;

IT IS HEREBY ORDERED that:

1. The seal shall be lifted as to this Order and any matter occurring in this action on or subsequent to the date of this Order.
2. All documents submitted in this action before the date of this Order shall remain under seal and shall not be made public, except as provided for in Paragraph 3 below.
3. The seal shall be lifted as to the Notice of Partial Intervention, the Government Complaint, the Settlement, the Relator Stipulation, and the Relator Complaint.

Dated: New York, New York
October 16, 2023

SO ORDERED:



HON. VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE